

APPEAL NO. 022200
FILED OCTOBER 3, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 9, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury on _____, and that she had disability resulting from the compensable injury beginning on April 8, 2002, and continuing through the date of the hearing. The hearing officer additionally determined that the appellant (carrier) did not waive the right to contest the compensability of the claimed injury because it timely contested the injury in accordance with Section 409.021. The carrier appealed the hearing officer's injury and disability determinations. The file does not contain a response from the claimant. We note that the waiver issue is unappealed and has become final pursuant to Section 410.169, but point out to the parties that the Texas Workers' Compensation Commission is now following the Texas Supreme Court decision in Continental Casualty Company v. Downs, No. 00-1309, decided June 6, 2002. See Texas Workers' Compensation Commission Appeal No. 021944, decided September 11, 2002.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable repetitive trauma injury on _____, and had resulting disability beginning on April 8, 2002, and continuing through the date of the hearing. We have reviewed the complained-of determinations and find that the hearing officer's decision and order is supported by sufficient evidence. The issues of injury and disability presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issues. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge